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5  
6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

7 **IN AND FOR THE COUNTY OF YAVAPAI**

8 **STATE OF ARIZONA,**

9 Plaintiff,

10 vs.

11 **STEVEN CARROLL DEMOCKER,**

12 Defendant.

**CAUSE NO. P1300CR201001325**

**STATE'S RESPONSE TO  
DEFENDANT'S REQUEST FOR  
DISCLOSURE AND ORDER**

Assigned to Hon. Warren R. Darrow  
Division PTB

14 The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and  
15 her deputy undersigned hereby objects to Defendant's Motion for Request for Disclosure dated June  
16 2, 2011.

18 The Defendant has requested additional information on YCAO employee's listed by the  
19 Clerk's office as having viewed and or printed the subject documents in the OnBase system. The  
20 State attached a report from YCAO Investigator Jarrell, to its response. The Jarrell report detailed  
21 each person's duties in the County Attorney's Office and their limited involvement in viewing and or  
22 printing of the subject documents. For 9 of the 16 employees mentioned in Defendant's request for  
23 disclosure, Jarrell reported their starting date, beginning position and current position.

25 Defendant's request for "each employee's supervisor, which (if any) attorney each was  
26 assigned to and what division of the Yavapai County Attorney each employee was assigned to, from

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1 July, 2008 to the present" is not relevant to the issue at bar. In its response, the State admitted the  
2 employees identified in defendant's request for disclosure viewed and or printed some of the subject  
3 documents. The information now being requested has no bearing on whether or not Defendant was  
4 prejudiced or how his sixth Amendment rights were violated.

5 The Defendant has not articulated with specificity how he was prejudiced by the admitted  
6 viewing and or printing of the subject documents. The scant information contained in the subject  
7 documents is known by the parties in every death penalty first degree murder case. The alleged  
8 imputed knowledge of this information to the prosecution team did not prejudice or interfere with  
9 Defendant's right to a fair trial, who by his own doing, caused the mistrial. If any party has been  
10 prejudiced in this case it is the victims.

11 The Defendant fails to show how the instant request for disclosure is relevant or necessary to  
12 his reply. The Jarrell inquiry was done to explain to this Court how employees access and utilize the  
13 OnBase electronic system. The question of how Defendant was allegedly prejudiced can not be  
14 answered with knowledge of employees work assignments, divisions they are assigned to or who  
15 their supervisors are.

16 The State objects to the Defendant's request for Disclosure and requests that the motion be  
17 summarily denied.

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20  
21 **RESPECTFULLY SUBMITTED** this 8<sup>TH</sup> day of June, 2011.

22  
23 **Sheila Sullivan Polk**  
**YAVAPAI COUNTY ATTORNEY**

24  
25 By: Jeffrey G. Paupore

26 **Jeffrey G. Paupore**  
Deputy County Attorney

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1 **COPY** of the foregoing **emailed** this  
2 8<sup>th</sup> day of June, 2011, to:

3 Honorable Warren R. Darrow

4 Division 6

5 Yavapai County Superior Court

6 Via email to Diane Troxell: DTroxell@courts.az.gov

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